



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

797 Main Street, Ste. B • El Centro, CA 92243

Phone (760) 336-8530 • Fax (760) 352-1309

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

August 16, 2010

Megan Fisher
California Department of
Resources Recycling & Recovery
1001 I Street, P.O. Box 4025
Sacramento, CA 95812-4025

Subject: Issuance of Notice and Order No. EA-2010-06 for the Brawley Solid
Waste Facility (13-AA-0008)

Ms. Fisher:

On August 16, 2010, the Imperial County Division of Environmental Health, Local Enforcement Agency (LEA) issued the attached Notice and Order No. EA-2010-06 to the Imperial County Department of Public Works, owner and operator of the Brawley Solid Waste Site. The Notice and Order was issued pursuant to Sections 44106 and 45011 of the Public Resources Code.

Should you have any questions, please do not hesitate to contact me at (760) 336-8530.

Sincerely,

Jorge Perez
Environmental Health Compliance Specialist II
Local Enforcement Agency

cc: Paul Saldana, CalRecycle (w/enclosure)

Encl: Notice and Order EA-2010-06





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ROBIN HODGKIN, M.P.A.
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STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

August 16, 2010

RECEIVED

AUG 16 2010

PUBLIC WORKS

William Brunet, P.E., Director
County of Imperial
Department of Public Works
155 South 11th Street
El Centro, CA 92243

Subject: Notice and Order EA-2010-06 for the Brawley Solid Waste Disposal Site
(Facility No. 13-AA-0008)

Mr. Brunet:

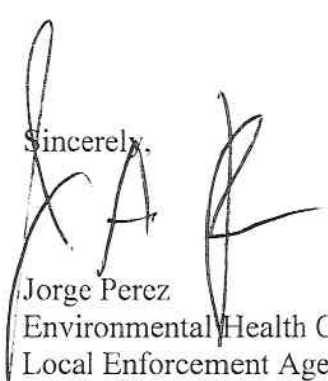
Pursuant to the Public Resources Code, Section 44106, the Local Enforcement Agency (LEA) is authorized to mandate a compliance schedule to ensure that diligent progress will be made at the Brawley Solid Waste Site to correct violations of Title 27 of the California Code of Regulations (CCR). The Brawley Solid Waste Site is currently in violation of CCR, Title 27, Section 20820 for failure to repair erosion damage to the intermediate cover at the site. As the site Operator you are required to promptly repair erosion damage caused by precipitation runoff in order to prevent the exposure of waste. The LEA will also be requiring you to construct a temporary drainage diversion system in select portions of the disposal site in order to minimize damage to the exterior slopes of the landfill.

The LEA conducted inspections on March 15, 2010, April 6, 2010, May 5, 2010 and June 2, 2010 to verify compliance with state minimum standards. The Brawley Solid Waste Site (13-AA-0008) was found to be in violation of 27 CCR 20820 at each of these inspections for failing to repair erosion cuts throughout the slopes of the landfill. As of July, the majority of erosion damage throughout the landfill has been corrected. However, erosion damage has not been remediated as directed by the LEA over substantial portions of the 2:1 slopes along the northern side of the disposal area toward the eastern end of the facility.

Failure to comply with the attached enforcement order may result in the LEA seeking injunctive relief to enforce the attached order and/or seeking civil penalties pursuant to the Public Resources Code.

If you have any questions, please do not hesitate to contact me at 760-336-8530.

Sincerely,



Jorge Perez

Environmental Health Compliance Specialist II
Local Enforcement Agency

Cc: Louis Fuentes, Chairman of the Board of Supervisors
Supervisor Gary Wyatt, District 4
Robin Hodgkin, Director, Department of Public Health
Lars Seifert, Manager, Environmental Health Services
Megan Fisher, CalRecycle
Paul Saldana, CalRecycle
Jennie Snyder, RWQCB

Encl: Notice and Order-EA-2010-06

IMPERIAL COUNTY
DIVISION OF ENVIRONMENTAL HEALTH
797 MAIN STREET, EL CENTRO, CA 92243
LOCAL ENFORCEMENT AGENCY

RECEIVED
AUG 16 2010
PUBLIC WORKS

IN THE MATTER OF:) NOTICE AND ORDER NO. EA-2010-06
Brawley Solid Waste Site (Facility No. 13-AA-0008),) Public Resources Code Division 30, Sections
4700 Brawley Dump Road, Brawley, CA.) 44106, 44306 and 45011. California Code of
Described by Assessor Parcel Numbers:) Regulations Title 27, Sections 20820 and
046-030-004, 046-030-005, and 046-030-012.) 21110.

To: County of Imperial
William S. Brunet, Director
Imperial County Department of Public Works
155 South 11th Street
El Centro, CA 92243

PLEASE TAKE NOTICE:

On June 16, 2010 the California Department of Resources Recycling and Recovery (CalRecycle) sent the Department of Public Works, via certified mail, a Notice of Intent (NOI) to Amend Listing of the Brawley Solid Waste Site in the Inventory of Solid Waste Facilities that Violate State Minimum Standards (Inventory) pursuant to Section 44104(b) of the Public Resources Code (PRC). You were further notified that if the violations of **27 CCR 20820 – Drainage and Erosion** were not corrected within 90 days the facility would be placed in the Inventory.

The LEA conducted inspections on March 15, 2010, April 6, 2010, May 5, 2010 and June 2, 2010 to verify compliance with state minimum standards. The Brawley Solid Waste Site (13-

AA-0008) was found to be in violation of 27 CCR 20820 at each of these inspections for failing to repair erosion cuts throughout the slopes of the landfill. As of July, the Operator has corrected erosion damage throughout the landfill, with the exception of the 2:1 slopes along the northern portion of the site toward the eastern end of the facility.

On June 16, 2010, CalRecycle placed the Brawley Solid Waste Site on the State Inventory because the operator has not yet repaired erosion damage at this location within the landfill as directed by the LEA and CalRecycle.

Since the Operator of the Brawley Solid Waste Site has failed to comply with the requirements of Title 27 of the California Code of Regulations (CCR), the LEA has the authority pursuant to Sections 44106 and 45011 of the PRC to order a compliance schedule to ensure progress will be made to bring the facility into compliance.

WHEREAS, the Brawley Solid Waste Site is located at 4700 Brawley Dump Road, described by Assessor Parcel Numbers: 046030004, 046030005 and 046030012;

WHEREAS, the Imperial County Local Enforcement Agency has the authority to act in the capacity of enforcement agency (EA) for this facility pursuant to Public Resources Code Section 43200 et. seq., and is so acting; and

WHEREAS, the Imperial County Department of Public Works shall operate the Brawley Solid Waste Site (Solid Waste Facility Number: 13-AA-0008) in accordance with Title 27 of the California Code of Regulations.

THEREFORE, YOU ARE HEREBY ORDERED TO DO THE FOLLOWING:

Complete the following action on or before the date specified herein:

1. Section 20820 T27 CCR – Drainage and Erosion: Repair all erosion cut damage to intermediate cover along the northern slope towards the eastern portion of the landfill by adding compacted clean soil to prevent the exposure of waste.	October 15, 2010
2. Construct a temporary drainage control system at the top of the landfill and along bench roads to convey stormwater runoff away from northern slopes.	November 14, 2010

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PURSUANT TO PRC SECTIONS 44305, 45011, 45014, AND 45023, if the above action is not completed or complied with by the specified dates, the Local Enforcement Agency may:

1. Petition the superior court for injunctive relief to enforce this Notice and Order.
[PRC Section 45014]
2. Petition the superior court for civil penalties in an amount not to exceed \$10,000 per day for each violation. [PRC Section 45023 and 45024]
3. Impose administrative civil penalties in an amount not to exceed \$5,000 per day for each day the facility fails to achieve compliance with the time frames specified above. [PRC Section 45011]

In the event the time frame for completion of the above-specified activity cannot be adhered to due to factors not in the control of the operator, the LEA may extend the stipulated deadline based upon those specific factors provided by the operator in writing. Any such extension to the time frame or other amendment to this Notice and Order shall be in the form of an Amended Notice and Order.

Nothing in this Notice and Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and operator may be required to take further actions as necessary to protect the public health, safety, or the environment.

The LEA shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to this Notice and Order, nor shall the LEA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

This Notice and Order is supported by the accompanying declaration of Jorge Perez.

This Notice and Order does not relieve the owner or operator from complying with all other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from taking any and all other actions allowed by law.

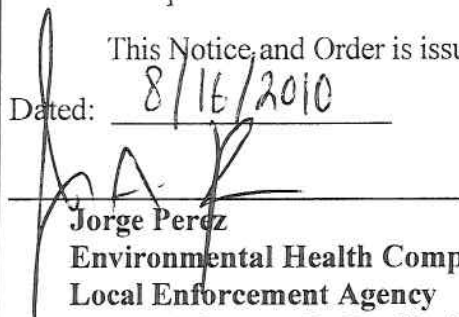
1 This Notice and Order may only be amended in writing by an appropriate representative
2 of the LEA.

3 **PLEASE TAKE NOTICE THAT:**

4 Pursuant to Title 14 CCR Section 18304(b)(8), the person or entity named in this Notice
5 and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC Section
6 44307] A request for a hearing before the Hearing Panel must be filed within 15 days from the
7 date of receipt of this Notice and Order. [PRC Section 44310]

8 This Notice and Order is issued as of the date set forth below.

9 Dated: 8/16/2010

10 
11 **Jorge Perez**
12 **Environmental Health Compliance Specialist II**
13 **Local Enforcement Agency**
14 **Imperial County Public Health Department,**
15 **Division of Environmental Health**

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BEFORE THE
IMPERIAL COUNTY DIVISION OF ENVIRONMENTAL HEALTH
LOCAL ENFORCEMENT AGENCY

In the Matter of:

Brawley Solid Waste Site (Facility No. 13-AA-0008),
4700 Brawley Dump Road, Brawley, CA
Assessor Parcel Numbers: 046030004, 046030005, and
046030012

) NOTICE AND ORDER

) NO. EA-2010-06

) DECLARATION OF

) JORGE PEREZ

I, Jorge Perez, declare that,

1. I am currently, and was at all times referenced herein, employed as an Environmental Health Compliance Specialist II by the Imperial County Public Health Department, Division of Environmental Health, which serves as the Local Enforcement Agency (LEA) for the County of Imperial as authorized by the California Department of Resources Recycling and Recovery.
2. I have personal knowledge that the Brawley Solid Waste Site is in violation of Division 30 of the California Public Resources Code and Title 27 of the California Code of Regulations as described in the attached Notice and Order EA-2010-06
3. I declare under penalty of perjury that the foregoing is true and correct.

Date: 8/16/2010



Jorge Perez
Environmental Health Compliance Specialist II
Local Enforcement Agency